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DATE: November 12, 2004
FILE NO: STRR/0004.C1
TO: EXAMINER STEPHEN CHOI
FAX NO: 703-872-9306
PHONE NO:
COMPANY: USPTO
FROM: DOUGLAS H. ELLIOTT
PAGE(S) with cover: 4
ORIGINAL TO FOLLOW? ☐ YES ☒ NO

RESPONSE TO RESTRICTION ACTION DATED OCTOBER 14, 2004

TITLE: AN AMPOULE OPENER
U.S. SERIAL NO.: 10/779,989
FILING DATE: FEBRUARY 17, 2004
INVENTOR: LISA STARR
EXAMINER: STEPHEN CHOI
GROUP ART UNIT: 3724
CONFIRMATION NO.: 8890

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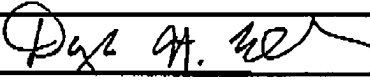
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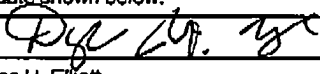
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/779,989	
	Filing Date	February 17, 2004	
	First Named Inventor	Lisa Starr	
	Art Unit	3724	
	Examiner Name	Stephen Choi	
Total Number of Pages In This Submission	3	Attorney Docket Number	STRR/0004.C1

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Moser, Patterson & Sheridan, L.L.P.		
Signature			
Printed Name	Douglas H. Elliott		
Date	November 12, 2004	Reg. No.	32,982

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Signature			
Typed or printed name	Douglas H. Elliott	Date	November 12, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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T-146 P.003/004 F-405

PATENT
Atty. Dkt. No. STRR/0004.C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Lisa Starr
Serial No.: 10/779,989
Confirmation No.: 8890
Filed: February 17, 2004
For: An Ampoule Opener

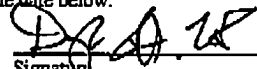
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Group Art Unit: 3724

Examiner: Choi, Stephen

MAIL STOP AMENDMENT
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Alexandria, VA 22313-1450

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11-12-04 Date	 Signature

RESPONSE TO RESTRICTION ACTION DATED OCTOBER 14, 2004

In response to the Restriction Action dated October 14, 2004, having a shortened statutory period for response set to expire on November 14, 2004, please enter this Response and reconsider the claims pending in the application for reasons discussed below. Although Applicant believes that no additional fees are due in connection with this Response, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/STRR/0004.C1/DHE, for any fees, including extension of time fees or excess claim fees, required to make this Response timely and acceptable to the Office.

Remarks begin on page 2 of this paper.

A. Election of Group II (claims 24 and 33-34)

The Examiner has issued a Restriction Requirement concerning the claims. More specifically, the Examiner has restricted the claims according to the following groups:

- I. Claims 21-23 and 25;
- II. Claims 24 and 33-34;
- III. Claims 26-27;
- IV. Claims 24 and 35; and
- V. Claim 32.


Applicant hereby provisionally elects the claims in Group II, to wit, Claims 24 and 33-34, with traverse.

B. Election of Species A (Figures 1-6)

The Examiner has issued a restriction to patentably distinct Species A (Figures 1-6) and Species B (Figures 7-9). Applicant traverses on grounds that the Examiner has not carried his burden of proving Species A and B should be restricted from one another. Nevertheless Applicant provisionally elects to prosecute Species A, and submits that all the pending claims (claims 20-35) are readable on Species A when the drawings are viewed in light of the specification.

This is intended as a full and complete response to the Restriction Action dated October 14, 2004, having a shortened statutory period for response set to expire on November 14, 2004. Further, this response is timely.

Respectfully submitted,



Douglas H. Elliott

Registration No. 32,982

MOSER, PATTERSON & SHERIDAN, L.L.P.

3040 Post Oak Blvd. Suite 1500

Houston, TX 77056

Telephone: (713) 623-4844

Facsimile: (713) 623-4846

Attorney for Applicant(s)